

Application No.: 09/942,528

Amendment dated: January 6, 2006

Reply to Office Action dated: September 6, 2005

### **REMARKS/ARGUMENTS**

Claims 1-4, 8-10, 12-31 and 48-55 are pending in the application.

Claims 1-4, 8-10, 12, 18-20, 22-26 and 51-52 were rejected under 35 U.S.C. §102(e) as being anticipated by Sachdeva et al., U.S. Patent No. 6,315,553 (hereinafter "Sachdeva"). Claims 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva in view of Pavloskaia et al., U.S. Patent No. 6,463,344 (hereinafter "Pavloskaia"). Claims 21 and 27-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva. Claims 48-50 and 53-55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva in view of Stein et al., U.S. Patent No. 5,657,369 (hereinafter "Stein").

#### **Claim Rejections Under 35 U.S.C. §102(e)**

Claims 1-4, 8-10, 12, 18-20, 22-26 and 51-52 were rejected under 35 U.S.C. §102(e) as being anticipated by Sachdeva. Sachdeva discloses a method and apparatus for treating an orthodontic patient including processing that begins by generating digital information regarding the orthodontic patient by a site orthodontic system (*See Abstract*).

Applicants contend that Sachdeva fails to teach or suggest analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image, as recited in claim 1.

The section of Sachdeva quoted in the Office Action as disclosing this element states:

Such a conversion is done by receiving the scanned image of the patient's orthodontic structure, x-rays of the patient's orthodontic structure, photographs, and/or other patient information and generating the three-dimensional (3-D) digital model therefrom.

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(Sachdeva, Col. 6, lines 43-48).

Sachdeva discloses creating a three dimensional digital model from the x-rays, not analyzing them. Thus, an element of claim 1 is not disclosed by Sachdeva. Therefore, claim 1 and by their dependency claims 2-4, 8-10, 12, 18-20, 22-26, and 51-52 are not anticipated by Sachdeva.

#### **Claim Rejections Under 35 U.S.C. §103(a)**

Claims 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva in view of Pavloskaia. Pavloskaia discloses a computer-implemented method for generating a computer model of one or more teeth by receiving a digital data set of meshes representing the teeth (*See Abstract*).

Neither Sachdeva, Pavloskaia, nor any combination of the two teach or suggest analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image, as claimed in claim 1, and by their dependency claims 13-17. As stated above, Sachdeva does not disclose this element. Pavloskaia also only generates a computer model, and does not analyze the image.

Therefore, claims 13-17 are not obvious under Sachdeva in view of Pavloskaia.

Claims 21 and 27-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva. As stated above, Sachdeva fails to teach or suggest analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image, as recited in

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claim 1. As claims 21 and 27-31 depend from claim 1, an element of these claims is not disclosed by Sachdeva. Therefore, claims 21 and 27-31, are not obvious under Sachdeva.

Claims 48-50 and 53-55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva in view of Stein. Stein discloses an x-ray bone densitometry system having an apparatus for positioning body parts (*See Abstract*).

Neither Sachdeva, Stein, nor any combination of the two teach or suggest analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image, as claimed in claim 1, and by their dependency claims 48-50 and 53-55. Sachdeva does not disclose analyzing the x-ray image at the remote computer to derive quantitative information on bone from the x-ray image, as discussed above. Stein is an X-ray positioning system that studies images of the bone without transfer to a remote computer.

Therefore, claims 48-50 and 53-55 are not obvious under Sachdeva in view of Stein.

#### **Request for Allowance**

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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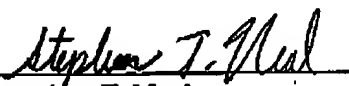
The Office is hereby authorized to charge any fees, or credit any overpayments, to  
Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: January 6, 2006

By:



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